

City of Scottsbluff, Nebraska

Monday, June 20, 2016

Regular Meeting

Item Consent1

Approve the minutes of the June 6, 2016 Regular Meeting.

Staff Contact: Cindy Dickinson, City Clerk

The Scottsbluff City Council met in a regular meeting on Monday, June 6, 2016 at 6:00 p.m. in the Council Chambers of City Hall, 2525 Circle Drive, Scottsbluff. A notice of the meeting had been published on June 4, 2016, in the Star Herald, a newspaper published and of general circulation in the City. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public, that anyone with a disability desiring reasonable accommodations to attend the Council meeting should contact the City Clerk's Office, and that an agenda of the meeting kept continuously current was available for public inspection at the office of the City Clerk in city hall; provided, the City Council could modify the agenda at the meeting if it determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each council member, made available to radio stations KNEB, KMOR, KOAQ, and television stations KSTF and NBC Nebraska, and the Star Herald. The notice was also available on the city's website on June 4, 2016. An agenda kept continuously current was available for public inspection at the office of the City Clerk at all times from publication of the notice to the time of the meeting.

Mayor Randy Meininger presided and City Clerk Dickinson recorded the proceedings. The Pledge of Allegiance was recited. Mayor Meininger welcomed everyone in attendance and encouraged all citizens to participate in the council meeting asking those wishing to speak to come to the microphone and state their name and address for the record. Mayor Meininger informed those in attendance that a copy of the Nebraska open meetings act is posted in the back of the room on the west wall for the public's review. The following Council Members were present: Randy Meininger, Raymond Gonzales, Jordan Colwell, Scott Shaver and Mark McCarthy. Absent: None. Mayor Meininger asked if there were any changes to the agenda. There were none.

Mayor Meininger asked if any citizens with business not scheduled on the agenda wished to include an item providing the City Council determines the item requires emergency action. There were none. Moved by Council Member Gonzales, seconded by Council Member McCarthy that,

1. "The minutes of the May 31, 2016 Regular Meeting be approved,"
2. "A public hearing be set for June 20, 2016 at 6:05 p.m. to consider a text change Ordinance regarding permanent cosmetic facilities,"
3. "A claim from Nicci Vorse be acknowledged for personal property damage and forwarded to the city's insurance carrier," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS" Shaver. Absent: None.

Moved by Council Member Gonzales, seconded by Mayor Meininger, "that the following claims be and hereby are approved and should be paid as provided by law out of the respective funds designated in the list of claims dated June 6, 2016, as on file with the City Clerk and submitted to the City Council," "YEAS", Gonzales, Meininger, McCarthy, Shaver and Colwell "NAYS", None. Absent: None.

CLAIMS

21ST CENTURY WATER TECHNOLOGIES, LLC, GROUND MAINT, 306.16; 3M COMPANY, PAVEMENT MARKING TAPE, 148.50; ABSHIRE BEN, REFUND, 150; ACCELERATED RECEIVABLES SOLUTIONS, WAGE ATTACHMENT, 1011.78; ACTION COMMUNICATIONS INC., NEW TWO WAY RADIO FOR PICKUP, 582.1; AIRPORT DEVELOPMENT, LLC, TIF, 17502.95; ALAMAR CORP, UNIFORMS/EQUIP MAINT, 572.08; AMAZON.COM HEADQUARTERS, MISC., 189.13; ASSOCIATED SUPPLY CO, INC, BLDG MAINT, 6004.53; ASSURITY LIFE INSURANCE CO, LIFE INSURANCE, 34.36; AULICK LEASING CORP, GROUND MAINT, 544.69; AUTOZONE STORES, INC, VEH MAINT, 32.71; B & H INVESTMENTS, INC, DEPT SUPPLIES, 197.79; BAKER & ASSOCIATES INC, CLEVELAND FIELD SUPPLIES, 2790.51; BATT, GARY, DEPT SUP, 30.29; BLUFFS SANITARY SUPPLY INC., DEPT

SUPPLIES,504.05; BRODART CO,DEP SUP,339.28; BSN SPORTS, INC,GRUNDS MAINT,386.08; CARR- TRUMBULL LUMBER CO, INC.,SUPP - NAILS,158.43; CASTILLO P RICHARD,CONTRACTUAL,270; CELLCO PARTNERSHIP,CELL PHONE,937.86; CHRIS BURBACH,TRAVEL EXPENSE,99; CITIBANK N.A.,DEPT SUP,162.96; CITY OF GERING,EQUIPMENT,13450.48; CLARK PRINTING LLC,DEPT SUPP,846.12; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY,SUPPLEMENTAL INS,48.7; CONSOLIDATED MANAGEMENT COMPANY,SCHOOLS & CONF,279.4; CONTINUUM EAP,WELLNESS CHALLENGE,119; CONTRACTORS MATERIALS INC.,SUPP - ADA PANEL, WOOD STAKES,612.61; CORNHUSKER MARRIOTT HOTEL.,SCHOOL & CONF,476; COZY, INC,CONTRACTUAL SVC,920; CREDIT MANAGEMENT SERVICES INC.,WAGE ATTACHEMENT,211.09; CRISSMAN MARK,LEGAL,23.24; CYNTHIA GREEN,DEPT SUPP,514.48; DALE'S TIRE & RETREADING, INC.,EQUIP MAINT,156.8; DANKO EMERGENCY EQUIPMENT COMPANY,REMOTE HYDRANT VALVE AND BRACKET,2109.61; DAS STATE ACCOUNTING-CENTRAL FINANCE,MONTHLY LONG DISTANCE,152.97; DEMCO, INC,DEP SUP,626.29; DICKINSON, CINDY,TRAVEL EXPENSE,120.78; DIEFENBACH CODY,REFUND,150; DILLMAN NANCY,DEP SUP,63.66; DUANE E. WOHLERS,DISPOSAL FEES,450; ECOVERSE INDUSTRIES, LTD,DEPT SUP,7900; ELECTRONIC RECYCLERS, INC,DISPOSAL FEES,6757.2; ELIZABETH HILYARD,TRAVEL EXPENSE - GFOA CONFERENCE,217.54; ELLIOTT EQUIPMENT COMPANY INC.,VEHICLE MTNC,55.3; ENERGY LABORATORIES, INC,SAMPLES,54; ENGINEERED EQUIPMENT SOLUTIONS INC,EQUIP MAINT,178.26; ESIQUIO RIOS JR,CONTRACTUAL,360; FAT BOYS TIRE AND AUTO,VEH MAINT,348; FEDERAL EXPRESS CORPORATION,POSTAGE,65.02; FLOYD'S TRUCK CENTER, INC,NEW 2017 FREIGHTLINER D. TRUCK W/PLOW,108774.85; FORCE AMERICA DISTRIBUTING LLC,VEH MAINT,476.62; FREMONT MOTOR SCOTTSBLUFF, LLC,VEH MAINT,156.43; GENERAL ELECTRIC CAPITAL CORPORATION,FIRE PREVENTION EQUIPMENT - KENO PROJECT,807.38; GILBERT CARRIZALES,CONTRACTUAL,54; H D SUPPLY WATERWORKS LTD,METERS,137.15; HARRIS MICHAEL,REFUND,150; HD SUPPLY FACILITIES MAINTENANCE LTD,EQUIP MAINT,1433.38; HECHT ANNIE,PARK RESERVATION REFUND,25; HEILBRUN'S INC.,VEH MAINT,1399.12; HENWIL CORPORATION,CHEMICALS,5285.83; HODGES, JOSHUA H,SUPPLIES,28.88; HULLINGER GLASS & LOCKS INC.,SUPP - DEADBOLTS,375.5; HYDRONIC WATER MANAGEMENT,EQUIP. MAIN.,425; ICMA RETIREMENT TRUST-457,DEF COMP,1890; ICMA ROTH IRA,IRA,1060; IDEAL LAUNDRY AND CLEANERS, INC.,JAN SUPP,1147.46; INDEPENDENT PLUMBING AND HEATING, INC,BLDG MAINT,161.17; INGRAM LIBRARY SERVICES INC,BKS,4689.18; INTERNAL REVENUE SERVICE,WITHHOLDINGS,130908.03; INTRALINKS, INC,DEPT. SUPPLIES,74.37; INVENTIVE WIRELESS OF NE, LLC,CONTRACTUAL,54.95; J G ELLIOTT CO.INC.,NTRY BND,140; JIM MENDOZA,UNIFORMS & CLOTHING,104.98; JOHN DEERE FINANCIAL,DEPT SUPP,138.9; JOHN DEERE FINANCIAL,BLDG MAINT,29.9; JOHN DEERE FINANCIAL,EQUIP MAINT,214.54; KEVIN, PEGGY SEGELKE,DEPT SUP,283.55; KIRK BERNHARDT,CONTRACTUAL,198; KOVARIK, ELLISON & MATHIS PC,LEGAL FEES,956; KREBER MIKE,REFUND,345; KRIZ-DAVIS COMPANY,EQUIP MAINT,180; KUCKKAHN, RICK,CONTRACT SERVICES,3600; LOGAN CONTRACTORS SUPPLY INC,HYD. ELEMENT FOR TAR KETTLE,56.17; MADER, PERRY,SCHOOL & CONF,99; MADISON NATIONAL LIFE,LIFE INS,1858.23; MAILFINANCE INC,POSTAGE RENT,148.76; MAREZ FRANCISCO,CONTRACTUAL,306; MARIE'S EMBROIDERY,UNIFORMS,6; MATHESON TRI-GAS INC,DEPT SUPP,63.66; MATTHEW M. HUTT,PRE-EMPLOYMENT EVALUATION,450;

MED-TECH RESOURCE LLC,EXTRICATION GLOVES,122.48; MENARDS, INC,DEPT
 SUPP,1142.66; MIDWEST MACHINERY & SUPPLY CO,GUARD RAIL SUPPLIES - POSTS,
 BOLTS,2003.14; MONUMENT CAR WASH INC,VEH MAINT,179.26; NATHAN
 JOHNSON,TRAVEL EXPENSE,178.33; NATIONAL ARBOR DAY
 FOUNDATION,MEMBERSHIP,10; NATIONAL TELEPHONE MESSAGE CORP,DEPT SUPPL,150;
 NE CHILD SUPPORT PAYMENT CENTER,NE CHILD SUPPORT PYBLE,2799.36; NE DEPT OF
 ENVIRONMENTAL QUALITY,SRF LOAN PAYMENTS,330227.55; NE DEPT OF
 REVENUE,TAXES,20485.52; NE LIBRARY COMMISSION,SBSCR,1819.13; NEBRASKA
 MACHINERY CO,PARTS FOR BACKHOE - HOSE GUARD,27; NEBRASKA PUBLIC POWER
 DISTRICT,ELECTRIC,20077.51; NELSON ELECTRIC MOTOR SERVICE, INC,EQUIP
 MAINT,176.64; NEMNICH AUTOMOTIVE,VEH MAINT,78.75; NEOPOST,PSTGE,500;
 NEOPOST USA INC,CONTRACTUAL,1541.54; NEWMAN, TIMOTHY,SCHOOLS &
 CONF/GASOLINE,60; NORTHWEST PIPE FITTINGS, INC. OF SCOTTSBLUFF,GROUND
 MAINT,69.23; ONE CALL CONCEPTS, INC,CONTRACTUAL,146.49; OREGON TRAIL
 PLUMBING, HEATING & COOLING INC,BLDG MAINT,9529; O'REILLY AUTO ENTERPRISES,
 LLC,DEPT SUPP,20.98; PANHANDLE ENVIRONMENTAL SERVICES INC,SAMPLES,144;
 PANHANDLE GEOTECHNICAL & ENVIRONMENTAL INC,NESHAP INSPECTION - 520 W 14TH
 ST.,595; PAUL REED CONSTRUCTION & SUPPLY, INC,CONTRACT SERVICES,6597.27;
 PELCO CORP,DEPT SUPPLIES,180; PLATTE VALLEY BANK,HSA,27067.92;
 POSTMASTER,POSTAGE,985.36; POWERPLAN,EQUIP MTNC,2405.1; QUILL
 CORPORATION,EQUIP MAINT,270.77; REAMS SPRINKLER SUPPLY CO.,GROUND
 MAINT,407.49; REGANIS AUTO CENTER, INC,VEH MAINT,870; REGION I OFFICE OF
 HUMAN DEVELOPMENT,CONTRACTUAL SERVICES,825; REGIONAL CARE
 INC,CLAIMS,141705.74; REGIONAL WEST PHYSICIANS CLINIC,CONTRACTUAL
 SERVICES,127; REGISTER OF DEEDS,DEPT SUP,20; RICHARD
 JOHNSON,CONTRACTUAL,1000; ROBERT GOMEZ,CONTRACTUAL,252; ROBERTA J
 BOYD,REIMB.,6.29; ROOSEVELT PUBLIC POWER DISTRICT,PUMPING POWER,2016.65; S M
 E C,EMPLOYEE DEDUCTIONS,391; SALAZAR FELIX,REFUND,225; SANDBERG IMPLEMENT,
 INC,EQUIP MAINT,2182.92; SCB FIREFIGHTERS UNION LOCAL 1454,FIRE EE DUES,405;
 SCOTTS BLUFF COUNTY COURT,COURT COST,117.52; SCOTTS BLUFF COUNTY
 TOURISM,OLD WEST BALLOON FEST,10000; SCOTTSBLUFF POLICE OFFICERS
 ASSOCIATION,POLICE EE DUES,1056; SCOTTSBLUFF SCREENPRINTING & EMBROIDERY,
 LLC,UNIFORMS,875.8; SIMON CONTRACTORS,CONCRETE FOR STREET REPAIR,5570.75;
 SNELL SERVICES INC.,CONTRACTUAL,457.17; SOLORZANO 111
 MARIO,CONTRACTUAL,18; SOURCE GAS,MONTHLY ENERGY FUEL,1737.4; SPECIAL
 INVESTIGATIONS,CONTRACTUAL,208.55; STATE HEALTH LAB,SAMPLES,205; STATE OF
 NE.,CONTRACTUAL,105; THE ABY MANUFACTURING GROUP, INC,UNIFORMS,132.25; THE
 PEAVEY CORP,INVEST SUPPL,65; THOMPSON GLASS, INC,REPLACE WINDOW IN
 PICKUP,197.38; TOYOTA MOTOR CREDIT CORPORATION,HIDTA CAR LEASE,365.69;
 TRINITY BURGNER,SCHOOL & CONF,94; TYLER TECHNOLOGIES, INC,ONLINE UB FEES &
 SUPPORT,348; US BANK,FIRE PREVENTION ITEMS FOR KENO TRAILER PROJECT,1652.01;
 VAUGHT DAVID,RV CAMPGROUND REFUND,75; VOGEL WEST, INC,SUPP - PAINT CAN
 STRAINERS,52.5; WELLS FARGO BANK, N.A.,RETIREMENT,63320.3; WESTERN
 COOPERATIVE COMPANY,EQUIP MAINT,69; WESTERN COOPERATIVE COMPANY,GRUNDS
 MAINT,380.6; WETHERINGTON ANDREA,CONTRACTUAL,54; YELLMAN,
 ABBIGAIL,REIMB.,22.6; YOUNG MEN'S CHRISTIAN ASSOCIATION OF SCOTTSBLUFF,
 NE,YMCA,1802.25; ZM LUMBER INC,GROUND MAINT,66.42; ZUNIGA VAL,REFUND,285;

REFUNDS: KELSEY CARVER 1.5; KIRK BARGE 1.83; JERRY DARNELL 6.29; JANE CONTREARAS 46.86; DUSTIN BAUER 86.55; LELAND SMITH 24.27; ROCHELLE SIMS 52.26; VICKI BEGLEY 40.59.

City Manager Johnson presented a change order for Paving District #312, showing a decrease in the amount of \$19,628.30. The project was completed ahead of schedule and there was a decrease in the materials needed for the project. Moved by Council Member Shaver, seconded by Council Member McCarthy, "to approve a change order from Infinity Construction for Paving District #312, decreasing the amount owed to the contractor by \$19,628.30," "YEAS", Gonzales, Meininger, McCarthy, Shaver and Colwell "NAYS", None. Absent: None.

Mr. Johnson presented a claim for payment of the following expenses for Paving District #312 – M.C. Schaff and Associates \$11,078.00 and Infinity Construction \$66,781.75. Moved by Mayor Meininger, seconded by Council Member Colwell, "to approve Resolution No. 16-06-01 authorizing payment of claim by warrant for Paving District #312, Reganis 12th Ave. project," "YEAS", Gonzales, Meininger, McCarthy, Shaver and Colwell "NAYS", None. Absent: None.

RESOLUTION NO. 16-06-01

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

That the claim of M.C. Schaff and Associates, Inc. in the amount of \$11,078.00, being the seventh pay estimate for Paving District #312, is approved and the City Clerk is authorized to issue a warrant for the payment of such claim.

That the claim of Infinity Construction in the amount of \$66,781.75, being the eighth pay estimate for Paving District #312, is approved and the City Clerk is authorized to issue a warrant for the payment of such claim.

Passed and approved this 6th day of June, 2016.

Mayor

ATTEST:

City Clerk

"seal"

Council reviewed the claim by warrant for payment of expenses associated with Paving District #313 for the Owen Development. Moved by Council Member Gonzales, seconded by Council Member McCarthy, "to approve Resolution No. 16-06-02 authorizing payment of claim by warrant for Paving District #313, Owen Development project," "YEAS", Gonzales, Meininger, McCarthy, Shaver and Colwell "NAYS", None. Absent: None.

RESOLUTION NO. 16-06-02

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

That the claim of Baker & Associates, Inc. in the amount of \$7,602.50, being the first pay estimate for Paving District #313, is approved and the City Clerk is authorized to issue a warrant for the payment of such claim.

That the claim of Baker & Associates, Inc. in the amount of \$1,150.00, being the second pay estimate for Paving District #313, is approved and the City Clerk is authorized to issue a warrant for the payment of such claim.

Passed and approved this 6th day of June, 2016.

Mayor

ATTEST:

City Clerk

“seal”

Mayor Meininger opened the public hearing as scheduled for this date at 6:05 p.m. to consider a Class I Liquor License for Chili's Grill and Bar. Bart Shiveley, Manager, and Police Chief Kevin Spencer were sworn in to testify on the liquor license. Moved by Mayor Meininger, seconded by Council Member Shaver, “that the following exhibits, presented on behalf of the City Council, be entered into the record: 1) The Chili's Grill and Bar, Liquor License application; 2) City Council check list for section 53-132 cum supp 2010; 3) written statement of Police Chief Kevin Spencer dated June 3, 2016; 4) written statement of City Clerk dated June 6, 2016; 5) written statement of Planning Administrator Urdiales dated June 6, 2016; “YEAS”, Meininger, Gonzales, Shaver, Colwell and McCarthy, “NAYS” None. Absent: None.

Mr. Shiveley explained that this is not a new license, only a corporate merger. The ownership is still the same. He noted that Chili's has never had a liquor license violation. It has a reputation as a fun, family atmosphere. Those ordering alcohol need to have a legal form of identification. Mr. Shiveley and his managers oversee all ordering and inventory of the alcohol, which is locked. A failed compliance check would not cause a mandatory dismissal, however, all employees would need to be re-trained.

Chief Kevin Spencer added that the background check showed no changes since the last one. There have not been any violations at their Scottsbluff, Cheyenne or Salt Lake City locations. The Police Department does not have any concerns with this establishment. Mayor Meininger closed the public hearing at 6:10 p.m. There were no comments from the public. Mayor Meininger reminded Mr. Shiveley that the City Council takes the issuance of liquor licenses very seriously and encouraged Chili's to keep their good record.

Moved by Council Member Shaver, seconded by Council Member Colwell, “to send a positive recommendation to the Nebraska Liquor Control Commission regarding the Class I Liquor License for Chili's Grill & Bar, 826 West 36th St., Scottsbluff, NE,” “YEAS”, Colwell, Meininger, McCarthy, Shaver and Gonzales, “NAYS” None. Absent: None.

RESOLUTION NO. 16-06-03

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
SCOTTSBLUFF, NEBRASKA:**

1. On June 6, 2016, the matter of the application of a Class I liquor license Chili's Grill and Bar, 826 West 36th St., Scottsbluff, NE 69361 came on for consideration by the Council. The following exhibits were offered and received:

Exhibit 1 - Application of Class I liquor license for Chili's Grill and Bar, 826 West 36th St.,
Scottsbluff, NE

Exhibit 2 - City Council Check List for Section 53-132 (Reissue 2010)

Exhibit 3 - Written statement of Police Chief dated June 3, 2016

Exhibit 4 - Written statement of City Clerk dated June 6, 2016

Exhibit 5 - Written statement of Development Services Director dated June 6, 2016

2. Witnesses were sworn and testimony was received in support of the application at the public hearing on this date from Bart Shiveley. Police Chief Kevin Spencer spoke on behalf of the City.
3. Upon consideration of the evidence and the criterion to be considered by the City Council pursuant to law, the City Council finds as follows:
 - a. Applicant has demonstrated a fitness, willingness, and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act.
 - b. Applicant has met its burden with regard to the check list provided by Section 53-132 R.R.S. (2010) and demonstrates a willingness and ability to properly serve or sell liquor in conformance to the rules and regulations of the Nebraska Liquor Control Act and its management and control appears to be sufficient to insure compliance with such rules and regulations.

4. By reason of the above, the Applicant has met the burden of proof and persuasion in producing evidence pertaining to the criterion prescribed in the Nebraska Statutes.

Based on the above findings, the City Council approves the application and recommends to the Nebraska Liquor Control Commission that a Retail Class I liquor license be issued to Chili's Grill & Bar, at the premises described in the application.

5. The City Clerk shall transmit a copy of this Resolution to the Commission.
6. Cost of publication: \$15.27.

Passed and approved this 6th day of June, 2016.

Mayor

ATTEST:

City Clerk

“seal”

Mayor Meininger opened the Public Hearing at 6:12 p.m. as scheduled for this date to consider the Redevelopment Plan for the Five 22 Developing LLC housing development located at lots 1-10, and lots 13-23, Rosenberger Addition located on Ave. G between West Overland and 11th Street. Deputy City Attorney John L. Selzer explained that this is the first complete project for the Community Redevelopment Authority (CRA). Mr. Steve Adams, of Five 22 Developing, LLC, explained that there is a need for housing in this neighborhood, which has been a vacant lot for many years. The Tax Increment Financing is important for them to build the street and supporting infrastructure. They plan to develop 10 lots the first year and 11 lots the next, with landscaping. Mr. Selzer explained that the CRA and Planning Commission have both approved the plan and Resolutions supporting this application. The Council must look at three areas for this application: it must conform with the Comprehensive Plan; review of the cost benefit analysis; and make sure it meets the "but for" test.

This plan supports the work force, encourages in-fill development, and continues a neighborhood style of housing with streets and sidewalks, which is consistent with the Comprehensive Plan. The cost benefit analysis shows that the current value of the land is \$68,310.00, after development the developers estimate that the assessed value will increase by \$2,451,690.00 with an estimated tax increase of approximately \$49,000.00 annually. These funds will not be available to local taxing jurisdictions for 15 years, but will be used to reimburse the redeveloper for the eligible development costs. This benefits public infrastructure needs because of the completion of Avenue G between West Overland and West 11th Street. Also, there is no employment within the project area, but this plan will create affordable housing which will have a positive impact on employment in the City and surrounding areas.

The redevelopers will be seeking their own financing for the project, but due to the street and infrastructure costs, will not be able to do the project without the assistance of the TIF financing. This is also an advantage to the city as Ave. G will be paved between West Overland and 11th Street.

If this plan is approved, staff will prepare a Redevelopment Contract which needs to be approved by the CRA. The agreement will provide for all city standards and development requirements. There may be another development agreement when the street is developed. The Redevelopment Contract will include all of the security requirements to protect the city's interest.

Mayor Meininger closed the public hearing 6:20 p.m. There were no additional comments from the public. Moved by Mayor Meininger, seconded by Council Member Colwell, "to approve Resolution No. 16-06-04, approving the Redevelopment Plan for the Five 22 Developing LLC Housing Development," "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "NAYS" None. Absent: None.

RESOLUTION NO. 16-06-04

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Recitals:

a. Pursuant to the Community Development Law, NEB. REV. STAT. § 18-2101 *et seq.*, a redevelopment plan titled *Five 22 Developing, LLC Housing Redevelopment Plan* (the "Redevelopment Plan") has been submitted to the Scottsbluff Community Redevelopment Authority ("CRA"). The Redevelopment Plan proposes to redevelop an area of the City which the City Council has declared to be blighted and substandard and in need of redevelopment. The Redevelopment Plan includes the use of tax increment financing.

b. The Redevelopment Plan has been reviewed by the Planning Commission, which found that the Redevelopment Plan conforms to the 2016 Scottsbluff Comprehensive Plan (the "Comprehensive Plan"). The Planning Commission recommended approval of the Redevelopment Plan to the CRA and City Council.

c. The Redevelopment Plan has been reviewed by the CRA, which found that the Redevelopment Plan conforms to the Comprehensive Plan, that the project as proposed in the Redevelopment Plan would not be economically feasible or occur in the project area without tax increment

financing, and that the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, having been analyzed by the CRA, are in the long term best interests of the community.

- d. The CRA recommended approval of the Redevelopment Plan to the City Council.
- e. On June 6, 2016, the City Council held a public hearing on the proposal to approve the Redevelopment Plan.
- f. The City Council has reviewed and conducted a cost-benefit analysis of the Redevelopment Plan and makes the findings and recommendations as set forth in this Resolution.

Resolved:

1. The Redevelopment Plan is determined to be feasible and in conformity Comprehensive Plan and with the legislative declarations and determinations set forth in the Act.

2. The project as proposed in the Redevelopment Plan would not be economically feasible or occur in the project area without tax increment financing and the costs and benefits of the project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services, having been analyzed by the City Council, are in the long term best interests of the community.

3. The City Council approves the Redevelopment Plan, subject to the CRA entering into an agreed upon Redevelopment Contract with the Redeveloper.

4. In accordance with NEB. REV. STAT. § 18-2147, and as proposed in the Redevelopment Plan, the City Council provides that any ad valorem tax on the Project Site (as defined in the Redevelopment Plan), for the benefit of any public body may be divided for a period of 15 years after the effective date as provided in § 18-2147, which effective date shall be determined in a Redevelopment Contract entered into between the Redeveloper and the CRA. Said tax shall be divided as follows:

(a) That proportion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation (as defined in the Act) shall be paid into the funds of each such public body in the same proportion as all other taxes collected by or for the bodies; and

(b) That proportion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the CRA to be used solely to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans, notes or advances of money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the CRA for financing or refinancing, in whole or in part, the project set forth in the Redevelopment Plan. When such bonds, loans, notes, advances of money, or indebtedness, including interest and premiums due have been paid, the CRA shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon taxable real property in the redevelopment project shall be paid into the funds of the respective public bodies.

5. The Mayor and Clerk are authorized and directed to execute such documents and take such further actions as are necessary to carry out the purposes and intent of this Resolution and the Redevelopment Plan.

6. This Resolution shall become effective immediately upon its adoption.

PASSED and APPROVED on June 6, 2016

ATTEST:

_____, City Clerk (Seal)

Mayor Meininger opened the public hearing at 6:20 p.m. to consider an Ordinance creating requirements for the placement of shipping containers.

City Manager Johnson explained that this Ordinance addresses the requirements for temporary placement of shipping containers in residential and commercial zones. In the residential zoning they can be used on a temporary basis for moving or construction for 30 days. This is a permitted time frame with a 30 day renewal if required. For commercial use, it is an allowed, one time permit for AG, C1, C2, C3, M1 and M2 . It is a one-time permit for each container.

Council Member Shaver asked if the commercial use is an accessory to the lot. City Planner Folck explained that it can be used for storage, because it is a permitted use. Council Member Shaver's concern is to make sure people aren't renting the containers out as a storage unit. If it were a building, it could be taxed, but shipping containers can't be taxed. Mr. Dave Chalupa commented that they should be tied down like a mobile home. Mayor Meininger closed the public hearing at 6:30 p.m. There were no further comments from the public. Mayor Meininger introduced the Ordinance, which was read by title on first reading: **AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 25, ARTICLE 3, SECTION 25 OF THE SCOTTSBLUFF MUNICIPAL CODE IN DEALING WITH ZONING AND MISCELLANEOUS REGULATIONS BY INCLUDING REGULATIONS CONCERNING SHIPPING CONTAINERS USED FOR STORAGE, ADDING §25-3-25(16) RESTRICTING THE USE OF SHIPPING CONTAINERS AS STORAGE, REPEALING ALL PRIOR SECTIONS, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

Jessica Davies with the Panhandle Public Health District explained the Nebraska Walkable Communities Project goal to select communities across the state to help encourage better practices for walkability. The city's comprehensive plan focuses on walkability and the expansion of the pathways. They would like the City of Scottsbluff to partner with them in this program. They received a Chronic Disease grant to pay for the project, the only contribution the City would have is in-kind and participation. Moved by Mayor Meininger, seconded by Council Member Colwell, "to approve participating in the Nebraska Walkable Communities Project", "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "NAYS" None. Absent: None.

Tom West gave the Council an update on the progress of the Thomas P. Miller Economic Development plan. He explained the progress of the regional development and completion of the Target Industries one-pager which highlights workforce quality, technical skills training, and career academies.

A key issue is talent attraction – they have developed a survey to see what our short comings are, and build on our key attractions. Twin Cities Development will distribute the survey via survey monkey. This will help to establish our base of information to approach our target markets. Research has shown that our key targets are Denver, CO; Minneapolis, MN; Kansas City, MO; and Gillette, WY. Mr. West emphasized that the biggest component to getting the attention of people living in other areas is to showcase the amenities we have in Scottsbluff and building on those benefits.

Mr. West also presented the Target Industries One-Pager and asked for endorsement. Council noted a few changes that need to be made before the final document is ready for marketing. Moved by Mayor Meininger, seconded by Council Member McCarthy, "to approve the Target Industries One-Pager, with minor changes," "YEAS", Colwell, Meininger, McCarthy, and Gonzales, "NAYS" Shaver. Absent:

None. Mr. West noted that Twin Cities Development will take the lead in getting this marketing tool out to businesses and others who may be interested in relocating to our area.

Mr. Roger Franklin, Business Improvement District Board Member, gave the Council a presentation on the importance of moving forward with the Downtown Plaza Project. He explained the first phase which includes the demolition of the two buildings the City purchased to make way for a park and gathering place. The BID has agreed to provide the funding for the demolition and the matching funds for a \$25,000.00 Greener Nebraska Towns Grant. In addition to the park, the plan provides for a downtown restroom in the second phase. The owners of Reichert Jewelers have offered to have the restrooms constructed in the back of their building which would face onto the plaza area. They are looking at creating a "town square" atmosphere for gatherings and events. They are also planning to raise extra funds to assist with this project.

Melissa Lashley and Becky Horne approached the Council with a proposal for a memorial fountain at the downtown plaza park for parents who have lost their children. They plan to do their own fund raising for this downtown feature "Kids are not Forgotten".

Council discussed the possibility of repurposing the bricks, which Mr. Johnson will investigate. Mr. Franklin also discussed the desire of the BID to save the façade of the building located at 15 East 18th St. City Planner Folck explained that construction on the plaza project could not advance until the buildings are demolished. City Manager Johnson explained that the BID authorized \$25,000 in grant match for this project and the BID will pay for the demolition of the buildings from their budget. Moved by Council Member Gonzales, seconded by Mayor Meininger, "to accept and endorse the recommendation from the Business Improvement District board on the Downtown Plaza Project," "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "NAYS" None. Absent: None.

City Manager Johnson reported that the following bids were received for the demolition of the two buildings downtown to provide a space for the downtown plaza: Paul Reed Construction \$28,084.00; Precision Demolition \$57,308.94; Pelz Construction \$57,700.00; Russels Excavation \$63,151.00; and Wyoming Earthmovers \$195,000.00. Moved by Council Member McCarthy, seconded by Council Member Colwell, "to award the bid for demolition of the downtown buildings located at 15 East 18th St. and 23 East 18th Street to Paul Reed Construction in the amount of \$28,084.00," "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "NAYS" None. Absent: None.

Mr. Johnson presented information about the Greener Nebraska Towns Grant Application which would be used for the downtown plaza park. This grant will provide for \$25,000.00 of grant funds and the BID will provide the \$25,000.00 of matching funds, which will be used to build the park. Council Member Shaver asked who will be responsible for maintaining the park when it is complete. Mr. Johnson responded that city staff will maintain the park. Moved by Council Member Gonzales, seconded by Council Member Colwell, "to authorize the Mayor to sign the Greener Nebraska Towns Grant Application for \$25,000 of grant funds for the Downtown Plaza Project," "YEAS", Colwell, Meininger, McCarthy, Shaver and Gonzales, "NAYS" None. Absent: None. Mayor Meininger expressed his appreciation to the Business Improvement District and other partners in making the downtown plaza park a reality to provide a downtown gathering location.

Regarding the sale of city-owned property to Mr. James Becker, Council introduced Ordinance No. 4189 which was read by title on second reading: **AN ORDINANCE AUTHORIZING THE SALE OF A TRACT OF REAL ESTATE APPROXIMATELY SIX ACRES IN SIZE IN BLOCK SIX OF IMMIGRANT TRAIL SUBDIVISION TO THE CITY OF SCOTTSBLUFF, SCOTTS BLUFF COUNTY, NEBRASKA.** Moved by Mayor Meininger, seconded by Council Member Colwell, "that the statutory rule requiring the Ordinance to be read by title on three different days be suspended," "YEAS", Colwell, Meininger, McCarthy and Gonzales, "NAYS" Shaver. Absent: None.

The motion carried having been approved by three-fourths of the Council Members. Moved by Mayor Meininger, seconded by Council Member Shaver, "that Ordinance No. 4189 be adopted," "YEAS", Colwell, Meininger, McCarthy and Gonzales, "NAYS" Shaver. Absent: None.

Moved by Mayor Meininger, seconded by Council Member Gonzales, "to remove from the table the contract selling approximately six acres of city owned property located at Immigrant Trail Subdivision

to James Becker in the amount of \$51,000.00 and authorize the Mayor to execute the contract,” “YEAS”, Colwell, Meininger, McCarthy and Gonzales, “NAYS” Shaver. Absent: None.

Moved by Council Member Gonzales, seconded by Council Member McCarthy, “to approve the contract selling approximately six acres of city owned property located at Immigrant Trail Subdivision to James Becker in the amount of \$51,000.00 and authorize the Mayor to execute the contract,” “YEAS”, Colwell, Meininger, McCarthy and Gonzales, “NAYS” Shaver. Absent: None.

Regarding the proposed NPPD Solar Project, Mr. Johnson explained that before purchasing the property, we need to conduct a Phase 1 Environmental Site Assessment, which will be approximately \$2500.00. There is a high potential that a Phase 2 Environmental Site Assessment will also need to be completed which would be approximately \$15,000.00 - \$20,000.00. Nebraska Public Power District has offered to cost share these expenses, however, this is currently only a verbal agreement. Mr. Johnson informed NPPD officials that we would also be interested in working on the Solar Project in a different location, however, NPPD prefers the site next to their offices. Mayor Meininger commented that this is a very valuable project, however, there are some issues with the location. Council Member Colwell recommended continued negotiations with NPPD. City Manager Johnson noted that this project will not assist a large number of constituents, considering the costs involved. Moved by Mayor Meininger, seconded by Council Member Gonzales, “to authorize MC Schaff and Associates to proceed with Phase 1 and Phase 2 (if needed) Environmental Assessments of the property to be purchased from NPPD by the City for the Solar Project, contingent upon a contract with NPPD paying for the both Phase 1 and Phase 2 assessments and the necessary clean-up of the property,” “YEAS”, Colwell, Meininger, McCarthy and Gonzales, “NAYS” Shaver. Absent: None.

City Manager Johnson presented an offer from Valley Bank and Trust to purchase the parking lot located at the corner of 17th Street and 1st Ave. for \$5,000.00. City Staff is recommending not selling the property to the bank. Staff would prefer waiting until the downtown plaza project is complete to assess the need for the parking lot. Mr. Neal Blomencamp informed the Council that the BID is not opposed to selling the lot, however, they feel the price is much too low for prime property. If the lot is sold, they would like to use the proceeds for the downtown plaza. Moved by Mayor Meininger, seconded by Council Member Shaver, “to reject the offer from Valley Bank and Trust to purchase the city owned parking lot located at 17th Street and 1st Ave.,” “YEAS”, Colwell, Meininger, McCarthy, Shaver and Gonzales, “NAYS” None. Absent: None.

Under Public Comments, Mr. Dave Chalupa approached the Council and asked them to begin thinking about the use of drones in our community and personal air space issues.

Under Council reports, Mayor Meininger reported that the 911 committee met and approved the RFP for the CAD and Records Management system.

Council Member Shaver asked about regulations for motorized mini bikes, as they seem to be everywhere throughout the community. Staff will look into the Ordinance.

Moved by Council Member Shaver, seconded by Council Member Colwell, “to adjourn the meeting at 7:50 p.m.,” “YEAS”, Colwell, Meininger, McCarthy, Shaver and Gonzales, “NAYS” None. Absent: None.

Mayor

Attest:

City Clerk
“SEAL”

